

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

SHERMAN WILKINS, <div style="text-align: right;">Plaintiff,</div> <div style="text-align: center;">v.</div> BOZZUTO & ASSOCIATES, INC., <div style="text-align: right;">Defendant.</div>	: : : : : : : : : :	CIVIL NO. 09-2581
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ORDER

AND NOW, this 10th day of December, 2009, upon consideration of Defendant's July 2, 2009 Motion to Dismiss Amended Complaint [Doc. No. 5], Plaintiff's Memorandum of Law in Opposition to Defendant's Motion to Dismiss [Doc. No. 6], and Defendant's Reply to Opposition to Motion to Dismiss [Doc. No. 10], it is hereby **ORDERED** that:

1) Defendant's July 2, 2009 Motion to Dismiss [Doc. No. 5] is **GRANTED** for the reasons stated in the attached Memorandum Opinion. The above-captioned matter is **DISMISSED** without prejudice.

2) Defendant's June 15, 2009 Motion to Dismiss [Doc. No. 3] is **DISMISSED** as **MOOT**.

It is so **ORDERED**.

BY THE COURT:

/s/ Cynthia M. Rufe

CYNTHIA M. RUFÉ, J.